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| 09/757,951 | 01/10/2001 | Francois - Xavier Nuttall | 11245.00053 | 1267 |
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| Squire, Sanders & Dempsey L.L.P. Two Renaissance Square Suite 2700 40 North Central Avenue Phoenix, AZ 85004-4424 | | | CHEUNG, MARY DA ZHI WANG | |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/757,951

Filing Date: January 10, 2001

Appellant(s): NUTTALL, FRANCOIS -MAILED

JUL 28 2004

GROUP 3600
Vidya R. Bhakar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 30, 2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 9-13, 17-21, 24-30 and 34-37 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) ClaimsAppealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,910,987 GINTER et al. 6-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 9-13, 17-21, 24-30 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al. (U. S. Patent 5,910,987). This rejection is set forth in a prior Office Action, mailed on November 4, 2003.

(11) Response to Argument

The appellant's arguments are based on the following three claimed limitations:

1. The appellant believes that Ginter fails to teach receiving a first report that was provided in response to a transaction that provided the digital work.
 - The appellant argues that the transaction is conducted in response to a request and also provides the digital work, and Ginter does not describe such request that is directed to a content provider. Examiner respectfully disagrees because Ginter teaches the user requests to turn a new page of an electronic book and the electronic book is provided to the user by the content provider (column 55 lines 61-67).
 - The appellant also argues that nothing in Ginter describes providing a report as a consequence of a transaction that provided the digital work. Ginter teaches providing plurality of reports, such as providing an electronic book (report), or providing report of the usages (column 55 line

61 – column 56 line 16). Either of these examples taught by Ginter can be interpreted as providing a report that is a consequence of a transaction that provided the digital work.

- The appellant further argues that the report disclosed by Ginter occurs prior to delivery of the work, which is opposite to “in response to a transaction that provided the digital work” as claimed. Examiner respectfully disagrees because for example the user can turn to a new page of an electronic book after delivery of the electronic book or after the purchase of the electronic book (column 55 lines 61-67).
2. The appellant believes that Ginter fails to teach receiving a second report that originated from a content managing node in response to supplying by the content managing node information to validate the request. Examiner respectfully disagrees because the Clearinghouse 116 in Fig. 2 of Ginter corresponds to the content managing node, and the VDE Right Distributor 106 of Fig. 2 corresponds to the reconciling node, and the VDE Right Distributor 106 receives a second report (the payments and payment related information) from the Clearinghouse 116 to validate the request, such as the request for turn a new page of an electronic book (column 53 lines 60-63 and column 55 lines 61-67).
3. The appellant believes that Ginter fails to teach the comparison function. Examiner respectfully disagrees. First, in a good business practice, the verification and comparison steps are essential processes prior to delivery of the payment for ensuring the accuracy of the transactions. Secondly, Ginter

clearly teaches implementing a SPU (secure processing unit) for performing securing transactions (i.e. auditing, payment, repayments, credits), and the SPU comprises a pattern matching engine for performing comparisons (column 61 lines 22-43 and column 65 lines 49-63 and Figs. 6-7, 9).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Mary Cheung
July 23, 2004



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